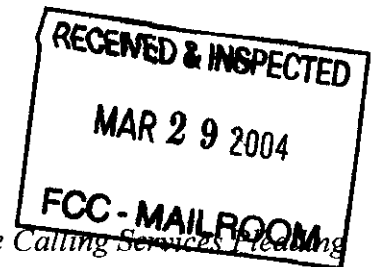


March 22, 2004

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Marlene H. Dortch, Secretary  
Federal Communications Commission 445 1e Street, SW  
Washington, DC 20554



RE: Comments on *Petition for Rulemaking Filed Regarding Issues Related to Inmate Calling Services Hearing Cycle Established*, Public Notice, CC Docket 96-128, DA 03-427 (rel. Dec. 31, 2003)

Dear Ms. Dortch

Currently, I am administer of the Custer County Jail in the State Oklahoma; I have 12 years in prison administration. As such I am familiar with the technological and penological issues relating to the provision of telecommunications services to inmates.

I am aware of the above-referenced proposal, which is before the Commission, and I am submitting this letter in response to the FCC's request for comments. I am concerned about the proposal for a number of reasons.

First, as this Commission has previously recognized, security interests are paramount in the unique environment provision of inmate calling services. Existing technologies involving a single service provider, usually selected by competitive bidding, have met the need to ensure that inmates are (a) not engaging in illegal activities (b) not contacting individuals to make threats of engage in harassment, (c) contacting only those persons that we authorize them to contact and (d) are not liking or planning any other actions that would compromise the safety and security of our facility. It is the responsibility of the facility administrator to determine how best to serve those goals. The FCC should not hamstring that discretion by requiring a system that we know, from experience, meets those requirements, with one that with multiple options, connections, and choices may give inmates the opportunity to circumvent them.

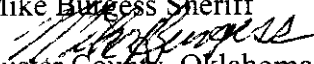
Second, the wholesale revamping of the economic structure of the provision of inmate services could actually wind up to the detriment of the inmates themselves. For example, restriction or elimination of commission payments, which are used to support certain programs and services for the inmate population, would require allocation of funds from other sources. In this time of severe budget constraints those sources may not exist and the result may be a reduction in these activities.

Third, the analysis of the costs of such a radical change seems to assume a "one-size-fits-all" redesign and rebuild for any and every facility. That is just not the case. Moreover, at a rate of a few cents a minute, there is no assurance that providers will be prepared to invest or continue to invest the capital needed to deploy the sophisticated hardware and software used in providing telecommunications services in confinement facilities.

Fourth, while prepaid calling has its advantages it would be a mistake to require -all calls to be prepaid. There are some inmates who will require the option of collect calling. In addition, it is the facility that ends up administering the prepaid program, including the sale of the cards. This additional administrative burden requires use of confinement facility resources that are already shrinking and overtaxed. Finally, as observed by the petitioners' expert himself, use of prepaid cards/accounts is a form of "commoditizing" the service, which can create the potential for prisoner confrontations.

Overall, the petition has just not made a case for the wholesale scrapping of a system that has effectively met legitimate security and other concerns. For the Commission to mandate such a system in effect preempts the discretion that must be left with confinement facility administrators as to how to provide telecommunications services and puts the Commission in the role, in effect, of running at least this portion of the facility. Therefore, the petition should be denied.

Sincerely yours,

Mike Burgess Sheriff  
  
Custer County, Oklahoma

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